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***UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA***

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES SCOTT ALVA,

Defendant.

2:14-cr-023-GMN-NJK

MOTION TO CONTINUE
GOVERNMENT'S DEADLINE TO
RESPOND TO DEFENDANT'S
MOTION FOR BILL OF
PARTICULARS

The United States of America, by and through Daniel G. Bogden, United States Attorney, and Amber M. Craig, Assistant United States Attorney, respectfully moves this Court to continue the Government's deadline to respond to the Defendant's Motion for a Bill of Particulars, currently scheduled for October 18, 2014, for thirty days, or to a date and time to be set at the Court's convenience.

This motion is based on the following:

1. The parties were involved in plea negotiations that would have rendered the Motion moot. However, pretrial developments occurred that halted plea negotiations, including Ms. Weksler's pending motion to withdraw as counsel, and Pretrial Services' advising the parties that a petition to revoke the Defendant's pretrial release will be filed shortly. As such, the Government requests additional time to respond to the Motion.

2. Due to the pending motion to withdraw, defense counsel was unable to agree to a

1 continuance of the Government's response deadline.

2 3. The additional time requested by this Stipulation is excludable in computing the time
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
4 States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United
5 States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

6 4. This is the first request for a continuance of the deadline filed herein.

7 DATED this 17th day of October, 2014.

8 Respectfully Submitted,

9 DANIEL G. BOGDEN
10 United States Attorney

11 /s/ Amber M. Craig
12 AMBER M. CRAIG
13 Assistant United States Attorney
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES SCOTT ALVA,

Defendant.

2:14-cr-023-GMN-NJK

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based upon the pending motion of counsel, and good cause appearing therefore, the Court finds that:

1. The parties were involved in plea negotiations that would have rendered the Defendant's Motion for a Bill of Particulars moot. However, pretrial developments occurred that halted plea negotiations, including Ms. Weksler's pending motion to withdraw as counsel, and Pretrial Services' advising the parties that a petition to revoke the Defendant's pretrial release will be filed shortly. As such, the Government requests additional time to respond to the Motion.

2. The additional time requested by this Motion is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the


1 exercise of due diligence.

2 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
3 States Code, Sections 3161(h)(1)(A), (h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

4 **ORDER**

5 IT IS THEREFORE ORDERED that the Government's deadline to respond to the
6 Defendant's Motion for a Bill of Particulars, currently scheduled for October 17, 2014, be vacated
7 and continued to the 17th day of November, 2014.

8 DATED this 17th day of October, 2014.

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11 HONORABLE NANCY J. KOPPE
12 UNITED STATES MAGISTRATE JUDGE
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